

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

RAYMOND E. PEYTON,
Plaintiff,

v.

B. CATES,
Defendant.

Case No. 1:21-cv-00740-DAD-EPG (PC)

ORDER VACATING FINDING AND
RECOMMENDATIONS ISSUED ON JULY 30,
2021

(ECF No. 7)

ORDER DIRECTING CLERK TO DOCKET
FIRST AMENDED COMPLAINT (ECF No. 12,
pgs. 5-50)

Raymond Peyton (“Plaintiff”) is a state prisoner proceeding *pro se* in this civil rights action filed pursuant to 42 U.S.C. § 1983.

On July 30, 2021, the Court entered findings and recommendations, recommending that this action be dismissed. (ECF No. 7). After receiving a filing from Plaintiff, the Court noted that it would vacate the findings and recommendations if Plaintiff refiled his First Amended Complaint. (ECF No. 9, p. 2 n. 2).

On August 11, 2021, Plaintiff filed his objections, along with a copy of his First Amended Complaint.¹ As Plaintiff filed a copy of his First Amended Complaint, the Court will vacate the findings and recommendations entered on July 30, 2021, and will screen Plaintiff’s First

¹ In his objections Plaintiff requests an investigation as to where his First Amended Complaint “may have disappeared.” (ECF No. 12, p. 2). Plaintiff has not cited to any legal authority requiring the Court to order an investigation, and the Court does not see a reason to order an investigation at this time. The Court notes that it has received other filings from Plaintiff, including these objections and his re-filed First Amended Complaint. Accordingly, Plaintiff’s request for an investigation is DENIED.

Amended Complaint in due course.

Accordingly, IT IS ORDERED that:

1. The findings and recommendations entered on July 30, 2021 (ECF No. 7), are VACATED; and
2. The Clerk of Court is directed to docket Plaintiff's First Amended Complaint (ECF No. 12, pgs. 5-50).

IT IS SO ORDERED.

Dated: August 12, 2021

/s/ Eric P. Gray
UNITED STATES MAGISTRATE JUDGE